

**TOWN OF NORTH EAST**

**LOCAL LAW NO. \_\_ OF 2020**

**A LOCAL LAW AMENDING §180-55 OF THE TOWN OF NORTH EAST CODE**

**BE IT ENACTED** by the Town Board of the Town of North East as follows:

**SECTION 1:**            **REPEAL OF §180-55**

Section 180-55 of the Town of North East Code is hereby repealed in its entirety.

**SECTION 2:**            **ADOPTION OF NEW §180-55**

A new §180-55 of the Town of North East Code titled “Signs” is hereby adopted, which shall read as follows:

“A.    **Legislative Intent**

- (1)    The Town of North East adopted an updated Comprehensive Plan in November, 2019 and has adopted the principles of the Greenway Compact Plan, which is embodied in a document entitled “Greenway Guide”. This document includes guidelines for development planning, including a guide for signs. The provisions of the criteria of this chapter were developed with the recommendations of the Greenway Guide in mind. The text of the Greenway sign guide is hereby incorporated into this chapter by reference.
- (2)    The intent of these regulations is to:
  - (a)    Reasonably control the physical characteristics of signs by regulating their size, height, location, number, and other characteristics of signs by regulating their size, height, location, number, and other characteristics.
  - (b)    Protect the public health, welfare and safety of the community and the residents therein.
  - (c)    Improve the community’s visual appearance.
  - (d)    Promote an attractive business environment.
  - (e)    Maintain the rural character and scenic natural beauty of the community.
  - (f)    Improve pedestrian and traffic safety.
  - (g)    Encourage the installation of appropriate signs that harmonize with the buildings, neighborhoods and other signs in the area.

- (h) Eliminate excessive and unsightly competition for visual attention through signs.
- (i) Safeguard the general public by elimination of signs which may distract a motorist and/or contribute to the hazards of driving.
- (j) Facilitate the reasonable needs of businesses to identify themselves in ways harmonious with their landscapes.
- (k) Maintain a standard of quality for all signs.
- (l) Ensure that all signs are, to the extent practicable, Dark Sky Compliant.”

**B. General Standards and Provisions**

The following provisions are applicable to signs in all districts:

- (1) General Prohibition on Signs. No sign shall be erected, constructed, displayed, moved or reconstructed, extended, enlarged, painted or altered except as provided in this Law, and, unless exempt from permit requirements, it requires a permit from either, as the case may be, the Zoning Enforcement Officer or the Town of North East Planning Board.
- (2) Permitted Accessory Use. Signs for the purpose of identification, direction, information, notice or warning are a permitted accessory use solely in conjunction with a principal permitted or special permitted use.
- (3) No Sign on Public Property. No sign, whether temporary or permanent, may be erected on Town property, including but not limited to sidewalks, Town parks, Town buildings and Town grounds without the express permission of the Town Board.
- (4) No Signs on Utility poles, etc. No sign shall be placed, painted or drawn on utility poles, bridges, culverts, or other road or utility structures or signposts, or on trees, rocks, or other natural features; provided, however, signs not exceeding one square foot posting property boundaries may be placed on trees .
- (5) Sign Design Manual. The Town Board may adopt a sign design manual. If such a sign design manual is adopted, it shall be incorporated by reference into this Code and shall be available for inspection and copying in the office of the Town Clerk or the office of the Zoning Enforcement Officer and Code Enforcement Officer. In the event a sign design manual is adopted, all signs erected subsequent to its adoption shall comply with its requirements.
- (6) Sign Area. The sign area shall be determined by the area of the smallest rectangle, circle or ellipse which will enclose the extreme limits of lettering, representations, emblems or other figures, together with any material or

color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Identical signs arranged back-to-back or diverging by less than 30° from a common point, may be counted as one sign, and only the square footage of one face shall be counted. Essential support framework such as brackets, posts or standards shall not be included in the sign area calculation.

- (7) Number of sides. No sign shall have more than two sides, unless a greater number of sides is approved by the Planning Board.
- (8) Illumination and Materials.
  - a. To the extent practicable, all signs should be constructed of material most in keeping with the rural character of the Town, such as wood, stone or iron.
  - b. The use of moving, blinking, intermittent, flashing or internally illuminated signs is prohibited. Animated signs or signs which incorporate electronic, mechanical or electromechanical display elements are prohibited, with the exception of signs allowed by the provisions of this law relating to gas stations. No sign shall contain luminous or reflective material, retroreflective sheeting, lettering or background with fluorescent paint, or sequin-studded lettering. Strings of lights shall be limited to decorative or holiday lights of low wattage installed for no more than a single sixty-day period each calendar year.
  - c. Lighting fixtures for the external illumination of signs shall be of an appropriate type and design to limit illumination to the sign, shall be directed downward and shall be so located and/or shielded so as not to be a safety hazard for motorists or a nuisance to adjoining property owners. This shall require that the edge of the beam of any artificial light source shall not cross any property line of the premises on which the sign is situated or shine or glare into any roadway or off-site area. Lighting shall not exceed 1,200 lumens per 10 square feet of sign area, which is intended to represent the luminosity of a seventy-five-watt incandescent lamp. The color temperature of light sources shall be as close as possible to natural daylight.
- (9) Appearance. All signs shall present a neat appearance and be maintained in a safe condition at all times.
- (10) Pole Signs. No new pole signs shall be constructed. Legally existing pole signs will be considered nonconforming signs.

C. **Exempt Signs.** The following signs are exempt from the permitting requirements this chapter.

(1) **Permanent Signs**

- (a) Residential identification signs and signs for permitted home occupations, not exceeding two square feet and set back at least 10 feet from the public right-of-way. Such sign shall be limited to the house number, resident's name and or home occupation (if any), and is in addition to any residential identification on a mail box.
- (b) Nonilluminated warning signs such as "private drive", "posted" or "no trespassing signs" not exceeding two square feet in area.
- (c) One flag or insignia of no more than 24 square feet of any government, civic or religious organization.
- (d) In addition to the signs set forth above in this subsection, one sign not exceeding six square feet set back at least 10 feet from the public right-of-way communicating a non-commercial message. There shall be no more than one such sign on each tax parcel.
- (e) Traffic, directional or other municipal signs as may be approved by the State, County or Town and erected by the Highway Department or other department of the municipality.
- (f) Historical markers when constructed of materials such as bronze, stainless steel or similar materials; and wood emblems installed by the government agencies not exceeding six square feet.

(2) **Temporary Signs**

- a. One temporary, nonilluminated "for sale" sign, "for rent" sign, real estate sign or construction sign identifying the parties involved in the design, financing or provision of labor or materials used on the premises, not exceeding six square feet. Any such sign shall be removed within 21 days of sale, lease, rental, or completion of construction of the premises.
- b. Temporary, nonilluminated windows signs and posters in aggregate not exceeding 10% of any window's surface. Any sign which relates to a particular event such an election, referendum, sale or performance shall be removed within 48 hours after the event has occurred.

- c. One temporary, nonilluminated “garage sale”, “yard sale”, “barn sale”, “tag sale” or similarly descriptive sign, up to six square feet in area, located fully on the premises on which the sale is being conducted. All such signs may be displayed for a period of 48 hours in advance of the sale and up to 12 hours after the event has occurred.
- d. One temporary sign for a farm stand selling agricultural produce grown on the premises in season, providing such sign shall not exceed 10 square feet and be set back at least 10 feet from the public right-of-way.

D. **Prohibited Signs.** All signs not expressly allowed under this chapter are prohibited in the Town. Prohibited signs include but are not limited to:

- a. Beacons, banners, pennants, ribbons or similar moving, fluttering or revolving devices, except as expressly permitted in Subsection [relating to flags] and in Subsection E (1), Grand Opening Signs.
- b. Inflatable signs and tethered balloons.
- c. Off-premises signs, directional signs, as provided in this chapter.
- d. Billboards within or adjacent to a Town road or right-of-way.
- e. Roof-mounted signs or signs otherwise mounted on a building in a way so as to extend above the wall of the building to which it is attached.
- f. Portable Signs. With the exception of the temporary signs as permitted in C(2) of this chapter above, all signs shall be permanently and directly affixed to either the ground, a building or a sign structure.
- g. Posters.
- h. Pole signs, temporary signs, posters or notices placed upon telephone, electric, lighting or other similar poles.
- i. Signs that may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection, or extend into the public right-of-way.

E. **Signs permitted in all commercial districts.** The following signs are permitted in commercial districts (Highway Business Districts, Industrial and Light Industrial Districts and Boulevard Districts), provided a sign permit is obtained as provided in this chapter.

- (1) One grand opening sign as permitted herein.

- (2) On premises, nonilluminated directional signs for the convenience of the general public identifying public parking areas, fire zones, entrances and exits and similar signs, not exceeding four square feet per face and six feet in height.

**F. Signs in Industrial (M) and Light Industrial (M-A) Districts**

(1) General provisions.

- a. Monument signs are preferred to freestanding signs. The height of any sign shall not exceed nine feet.
- b. The minimum setback of a sign shall be 35 feet from the front property line in the M and M-A districts.
- c. Illumination of signs is allowed in accordance with the provisions of B(9) of this chapter. Sign illumination in the M and M-A Districts must be actuated by means of a mechanical or electronic timer, which must be set to turn off illumination no later than two hours after close of business.

(2) Signs requiring a permit.

- a. One monument or freestanding sign is permitted per tax parcel not to exceed 32 square feet in area, provided the subject parcel conforms to all bulk requirements of this chapter. If the parcel is preexisting and does not conform to the minimum lot area required for the zoning district, then the size of the sign shall be reduced in proportion to the size of the subject parcel relative to the district's minimum lot area.
- b. Facade signs shall not exceed 5% of the area of the facade to which they are attached. The aggregate area of facade signs per tax parcel shall not exceed 20 square feet.
- c. Off-premises directional signs as permitted in Subsection I.

**G. Signs in Boulevard (BD) and Highway Business (HB) Districts.**

(1) General provisions.

- a. The maximum height of a monument or freestanding sign shall be seven feet.
- b. The minimum setback of a sign shall be 15 feet from the front property line.

(2) Signs requiring a permit.

a. Shopping centers.

- i. To carry out the intent of the law as outlined in Subsection A, shopping centers are required to create a uniform sign plan. This plan must be developed as part of the site plan review for a new shopping center or when the first sign changes at an existing shopping center.
- ii. One freestanding or ground-based monument sign not to exceed 32 square feet and that is well integrated into the overall landscaping for the frontage is permitted. Shopping centers are allowed one such monument sign. A directory sign, if used, must be included in the 32 square feet, but more than five listings are discouraged.
- iii. One facade sign per business establishment, the maximum area of which shall be 40 square feet or 5% of the area of the main entrance facade occupied by the business establishment to which it is attached, whichever is less. In no event, however, shall the aggregate area of facade signs on one building exceed 5% of the facade area of that building. Large facade signs and multiple facade signs are discouraged.
- iv. One hanging sign per business establishment, not to exceed four square feet in area and having its lowest point at least seven feet from the ground directly below it.
- v. On-premises freestanding entrance and exit directional signs each no larger than two square feet in area and only when necessary to direct safe traffic flow.

b. Gas stations/convenience stores.

1. One freestanding or monument sign per gas station not to exceed 25 square feet for display of brand and/or business names and gas prices. No more than 50% of the allotted area will be used to display fuel pricing. The sign will be set back from the property line in such a way as to insure that it does not interfere with line of sight for traffic entering or exiting the property.
- (a) The monument sign shall not be internally lit, nor shall it



include self-illuminating display elements such as video displays, light-emitting diode (LED) display matrices, nor any flashing, alternating or animated display elements, except as permitted hereafter.

(b) The monument sign may incorporate electronic, mechanical or electromechanical display elements solely for the purposes of displaying fuel pricing which may change frequently. Such display elements shall be limited by design to display of fuel prices, may be self-illuminating and shall not be capable of displaying any other information. Display of fuel prices shall also be allowed by light-emitting diode (LED) numerals with changeable copy. In all signs allowed in this subsection the numbers must be constant and nonflashing. The sign elements shall not conflict with the requirements of Subsection F(2)(b)[1][a] above.

(c) The light-emitting diode (LED) or similar displays of price elements of any monument or sign shall be extinguished when gasoline and other fuel is not being sold at the pumps and/or when the gasoline station/convenience store is not in operation.

i. One facade sign per gas station/convenience store, the maximum area of which shall be 20 square feet or 5% of the area of the main entrance facade to which it is attached, whichever is less. In no event, however, shall the aggregate area of facade signs on one building exceed 20 square feet or 5% of the facade area of that building, whichever is less.

ii. Required over-the-pump price signs are allowed, but they are not to exceed the minimum size required by the applicable state or federal law.

iii. No signage may be installed on canopy structures.

iv. Gas stations/convenience stores are not permitted to display advertising signs, banners or flags on fuel dispensers, canopies, roadside signs or on any other infrastructure.

v. Videos and flashing signs are not permitted.

c. Businesses in the Boulevard District and Highway Business Districts which are not gas stations/convenience stores or are not within a shopping center.

i. One freestanding or monument sign per tax parcel not to exceed 20 square feet in area.

ii. One hanging sign per business establishment, not to exceed four square feet in area and having its lowest point at least seven feet from the



ground directly below it.

- iii. One facade sign per business establishment, the maximum area of which shall be 20 square feet. In no event, however, shall the aggregate area of facade signs on one building exceed 40 square feet.

H. **Signs in Agricultural (A5A), Very-Low-Density Residential (R3A), Low-Density Residential (R1A), Medium-Density Residential (R20,000) and Land Conservation (LC) Districts.**

(1) **General Provisions**

- a. The maximum height of a freestanding sign shall be nine feet.
- b. No sign, except residential identification signs attached to a mailbox, shall be placed in or extend into the road right-of-way.
- c. Illumination of signs, when allowed, shall be in accordance with the provisions of Subsection B(8) for signs conforming to these regulations; nonconforming signs may not have illumination added to them. Sign illumination in the A5A, R3A, R1A, R20,000 and LC Districts must be actuated by means of a mechanical or electronic timer, which must be set to turn off illumination at close of business.

(2) **Signs requiring a permit.**

- a. One freestanding sign not to exceed 15 square feet for uses located on an arterial highway and 10 square feet for uses located on other roads, identifying a use permitted in the zoning regulations.
- b. Two farm produce signs (one in each direction) identifying specific produce in season, for a farm market selling farm products. The signs shall not exceed six square feet in area and shall be located within 1,000 feet of the stand or farm where the produce is sold.
- c. Off-premises directional signs as permitted in Subsection I
- d. Temporary signs as permitted in Subsection C(2).

I. **Off-premises directional signs.**

- (1) General provisions. Off-premises directional signs may be erected giving directions to a business located in the Town on a secondary road (roads other than Routes 22, 44, and 199), provided that the following conditions are met:

- a. The sign text is limited to the business name and distance.
  - b. The sign shall not contain any graphical elements other than a pointer arrow and plain block-lettered text.
  - c. A sign permit shall have been obtained.
  - d. The applicant has the written permission of the owner of the property on which the sign is to be located.
  - e. The sign does not exceed four square feet in area.
  - f. The sign is designed to direct one to a business which is not located on Routes 22, 44 or 199 but is located in the Town.
  - g. The sign must be within 50 feet of an intersection. An intersection is defined as the point at which the center lines of two roads intersect.
  - h. The maximum height of the sign shall be eight feet; its lowest point shall be at least three feet above the ground directly below it. It shall not be placed on a road right-of-way nor shall it be permitted to overhang into a road right-of-way.
  - i. Off premises directional signs shall not be illuminated.
- (2) A business is allowed one sign at the nearest relevant intersection. A special permit may be requested from the Zoning Board of Appeals for additional off-premises directional signs where a business can show that the most direct route from the nearest relevant intersection on state or county routes to the business's location involves an intersection or intersections where additional directional signs are necessary.
  - (3) There shall be no more than four off-premises directional signs located on any one property. Multiple off-premises directional signs at an intersection shall be placed together and joined in a stacked arrangement on a common mounting post.

J. **Grand opening signs.**

A business located in either the Boulevard District or any of the Highway Business Districts or Industrial or Light Industrial Districts shall be permitted to obtain a permit for a grand opening sign. Applications specifically describing the grand opening sign shall be made to the Zoning Enforcement Officer who shall issue a permit if the requirements of this section are met. The permit shall be for a period of 14 days commencing no more than seven days before the date of the

opening of the business. The sign shall be no larger in area than the maximum area of the permitted freestanding or monument sign in the zoning district where the business is located. It may have attached to it banners, flags, pennants, ribbons or streamers. It may be portable. In no event shall it constitute a hazard.

K. **Application process.**

- (1) For permitted signs on property not subject to site plan approval, sign permit applications and payment of the required sign permit fee, in accordance with the Town of North East fee schedule, shall be submitted to the Zoning Enforcement Officer. The Zoning Enforcement Officer shall have 10 business days to issue or deny a sign permit. Modification of any sign on a parcel with pre-existing site plan approval requires approval of the Planning Board
- (2) In a district or use that is subject to site plan approval, the application shall be referred to the Planning Board for site plan review (§ 180-34). Following site plan approval, the Zoning Enforcement Officer shall have 10 business days to issue a sign permit.
- (3) Application content. The sign application shall include a scaled drawing depicting the proposed size, type, mounting, location and illumination of all signs to be constructed. The size, type and location of existing signs on the property shall also be stated. A full description of the placement and appearance of the proposed sign shall include the following:
  - a. The position of the sign in relation to adjacent buildings, structures, property lines, other signs, lighting fixtures, walls and fences.
  - b. Graphic design, including pictorial matter, letters, materials, and colors.
  - c. Such other and additional information as may be reasonably required by the Zoning Enforcement Officer and/or Planning Board.
- (4) Application fee. There is a fee for each sign permit application as per the fee schedule adopted by the Town of North East.

L. **Nonconforming signs.**

In the event a sign lawfully erected prior to the effective date of this section does not conform to the provisions and standards of the section, then such shall be subject to the following provisions:

- (1) Within six months from the effective date of this section, the Zoning Enforcement Officer shall make a list of and shall notify all property owners whose signs are nonconforming. This notification shall include the statement of nonconformity and the provisions of this section.
- (2) Within six months of the notice by the Zoning Enforcement Officer, all property owners must register with the Zoning Enforcement Officer the existence of their nonconforming signs. This notice must include the size and location of any and all nonconforming signs located on the property. If the nonconforming signs are registered to the satisfaction of the municipality within six months of the notice by the Zoning Enforcement Officer, the sign may remain as a nonconforming sign until such time as the business changes ownership or the sign or any portion thereof is replaced.
- (3) The municipality may cause to be removed any nonconforming sign which is not registered within one year of the effective date of this section.
- (4) With the exception of billboards and roof-mounted signs, if a nonconforming sign is included under the prohibited signs provisions in Subsection C(1), then such sign shall be modified by its owner to comply, or be removed within 30 days after the owner received notice from the Zoning Enforcement Officer to so comply.
- (5) Billboard signs in active use shall be removed within 10 years after the owner has received notice from the Zoning Enforcement Officer to so comply. Billboards predating this chapter shall be permitted to continue as a nonconforming use during this ten-year period, unless said use ceases for a continuous period of one year for any reason, in which event, said nonconforming billboard shall be deemed to have been abandoned and discontinued, and such use may not thereafter be reinstated. The property owner shall then be responsible for the removal of the abandoned and discontinued billboard. For the purposes of this chapter, a billboard use is considered to have ceased if it meets the criteria for blank signs in 17 NYCRR 150.1 of New York State law.
- (6) Roof-mounted signs shall be removed within five years after the owner has received notice from the Zoning Enforcement Officer to so comply.
- (7) With the exception of billboards and roof-mounted signs, a nonconforming sign may be maintained and repainted so long as its lettering, wording, design, size, shape, and location are not

changed.

- (8) Obsolete signs. Any sign which advertises a business or product or service no longer available for purchase on the premises shall be deemed obsolete and must be removed within 30 days after cessation of the business or sale of the products and services from the premises. A billboard that is abandoned and discontinued, as per Subsection J(5) above, shall be considered an obsolete sign.

M. **Enforcement.**

- (1) Violations of the sign regulations contained herein are subject to the enforcement procedures outlined in § 180-97 of this chapter. Prior to any enforcement action, the Zoning Enforcement Officer shall notify the owner of the premises and, where feasible, the business identified in the sign, by certified mail of the violation, and such notice shall require compliance within seven days. Following such notice and the end of the compliance period, in addition to the remedies set forth in § 180-97, the Zoning Enforcement Officer is hereby authorized to remove or cause removal of a sign in violation of the provisions of this chapter and shall assess all costs and expenses incurred in said removal against the land or buildings on which said sign is located as provided in subparagraph 2. below, and/or against the person or persons erecting the sign.
- (2) Recovery of cost of removal by Assessment and Levy. At the sole discretion of the Town, the reasonable and necessary costs incurred for removal of any sign by the Town pursuant to this shall be charged against the real property from which the sign was removed by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be paid to the Town Clerk, to be applied to reimbursing the fund from which the costs of sign removal were paid. Prior to charging such assessments, the owner of the real property shall be provided written notice by certified mail, return receipt requested, to the last known address of record, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.”
- (3) Continued conformance required. Continued conformance with all requirements shown on the sign permit or certificate of compliance shall be deemed to be a condition for the continuation of the sign permit. Any violation of a condition of such approval shall be subject to the same penalties as a zoning violation. In addition, the Planning Board shall not issue any other permit or certificate related

to any property for which a notice of violation of these regulations has been served until said violation shall have been resolved to the satisfaction of the approval authority, or to the court, as appropriate.

**SECTION 3.**        **SEVERABILITY.**

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of North East hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 4:**        **SUPERSESSSION**

This local law is hereby adopted pursuant to the provisions of RPTL §487, §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

**SECTION 5:**        **EFFECTIVE DATE.**

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.